IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 15136 of 2005

Between:

Smt. Sakkubai, W/o. Late Namani Poshetty,
R/o. 18-7-599/58/1, Uppuguda, Hyderabad.

..... PETITIONER

AND

1 The Collector, R.R. District at Hyderabad.
2 The Revenue Divisional Officer, Eastern Division, Mallakunta, Hyderabad.
3 The Mandal Revenue Officer, Kandukar Mandal, R.R. District.
4 Moyyari Jangaiah, S/o. not known to the appellant,
R/o. Gudur Village, Kandukur Mandal, R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or orders one in the nature of Writ of Mandamus by declaring the inaction of the respondent No. 3 for issuing Form-D Patta certificate in file No.B/1696/99 dt. 18-6-2004 in favour of the respondent No.4 in respect of the Agricultural Land in Sy.No. 168 to the extent of 1 acre and Sy.No. 169 to the extent of 1 acre 25 guntas total admeasuring 2 acre 25 guntas of Gudur Village, Kandukur Mandal, R.R. Distirct and declare the same as totally illegal, arbitrary against the principle of natural justice in view of pendency of any appeal under Section 4(A) of A.P. Assigned Lands (Prohibition and Transfer) Act 1977 in file No. 3630/2004 before the Revenue Divisional Officer, East, R.R. District and pass such other order or orders as this Hon'ble Court may deem fit in the circumstances of the case.

Counsel for the Petitioner: MR.SURESH SHIV SAGAR

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: --

The Court at the admission stage made the following :

O R D E R:

The petitioner seeks a Mandamus declaring the action of the third respondent in issuing D-form patta, dated 18-06-2004, in favour of the fourth respondent in respect of agricultural land to an reextent of Ac.2.25 guntas (i.e. Ac.1.00 in Sy.No.168 and Ac.1.25 guntas in Sy.No.169) situated in Gudur village, Kandukur Mandal, R.R.District, as illegal and arbitrary.

The petitioner claims to be the absolute owner of the land-in-question having inherited the same after the death of her husband, who died on 16-11-2000 intestate, in whose favour the said land had been assigned on 19-11-1975 as he was a landless poor, whose name was mutated in the Revenue records and in whose favour pattadar passbooks and title deeds were issued. It is stated that she made an application before the third respondent for mutation of her name in the Revenue records. While the matter stood thus, the fourth respondent obtained D-form patta in respect of the said land by wrongful means. It is also stated that the petitioner filed O.S.No.927 of 2004 before the I Additional Senior Civil Judge, R.R. District, and obtained interim orders against the fourth respondent in respect of

the land-in-question. The suit is still pending. It is further stated that the petitioner preferred an appeal under Section 4(A) of A.P. Assigned Lands (Prohibition and Transfer) Act 1977 (for short 'the Act') along with an application for interims stay before the second respondent in respect of the said land. However, the second respondent neither disposed of the appeal nor passed any order in the application seeking interim stay. Hence, the writ petition.

Having heard the learned counsel for the petitioner, the learned Government Pleader appearing for the respondents, and perused the material available on record and in view of the facts and circumstances of the case, especially in view of the fact that the appeal filed by the petitioner is pending before the second respondent, without expressing any opinion on the merits of the case, I deem it appropriate to direct the second respondent to dispose of the appeal.

The writ petition is accordingly disposed of directing the second respondent to dispose of the appeal No.3630 of 2004 filed by the petitioner, in accordance with law, after giving due opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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(ELIPE DHARMA RAO, J)

Date:13-07-2005

ghn

To

1 The Collector, R.R. District at Hyderabad.
2 The Revenue Divisional Officer, Eastern Division, Mallakunta, Hyderabad.
3 The Mandal Revenue Officer, Kandukar Mandal, R.R. District.
4 Two copies to G.P. f or Revenue, High Court buildings, Hyderabad.(O.U.T.)

5 2 CD copies